

IOWA BOARD OF CHIROPRACTIC

IN THE MATTER OF:)	CASE NOS. 08-025, 08-026, 08-027
)	08-028, 08-029, 11-014
)	DIA NO. 09DPHCB001
JASON EBELSHEISER, D.C.)	
)	ORDER GRANTING
RESPONDENT)	MOTION FOR CONTINUANCE

The Iowa Board of Chiropractic (Board) currently has two Statements of Charges pending against Jason Ebelsheiser, D.C. (Respondent). The first Statement of Charges (Case Nos. 08-025, 08-026, 08-027, 08-028, and 08-029) was filed on February 8, 2011, following Respondent's convictions for one felony count of sexual abuse in the third degree, two aggravated misdemeanor counts of assault with intent to commit sexual abuse, and one aggravated misdemeanor account of tampering with records. Respondent was sentenced to a term of incarceration not to exceed ten years on the felony charge and terms not to exceed two years on each of the aggravated misdemeanors. Some of the sentences were ordered to run consecutively. A hearing on this Statement of Charges was scheduled for April 12, 2011, but was continued by the Board at Respondent's request.

On July 11, 2011, Respondent pled guilty to two additional criminal charges: one felony count of sexual abuse in the third degree and one aggravated misdemeanor of assault with intent to commit sexual abuse. Respondent was sentenced to a twelve year term of imprisonment, to run concurrently with Respondent's previous sentences.

On December 2, 2011, the Board filed a second Notice of Hearing and Statement of Charges against Respondent (Case No. 11-014), which added Respondent's two most recent convictions as an additional basis for license discipline. A hearing was scheduled for January 11, 2012.

On January 4, 2012, Respondent's (newly retained) counsel filed a Motion to Continue Hearing. He attached a copy of a December 27, 2011 letter through which Respondent tendered the voluntary surrender of his chiropractic license. Respondent's counsel acknowledges that a voluntary surrender qualifies Respondent for possible reinstatement in a year and that the state is seeking revocation in this case. In the Motion to Continue, counsel states that Respondent

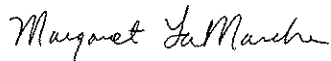
retained him last week and for reasons unknown, Respondent's prior counsel had not communicated the licensing procedure to Respondent. Respondent's new counsel asks for the hearing to be continued so he can have additional time to confer with Respondent and believes a settlement can still be reached.

On January 5, 2012, the state filed a Resistance to Respondent's Motion to Continue. On January 6, 2012, the Board delegated ruling on the motion to the undersigned administrative law judge, pursuant to 645 IAC 11.18(1).

As pointed out by the State, at least some of the charges against Respondent have now been pending for eleven months. However, the most recent charges were filed approximately one month ago. It is true that the issues for hearing are very narrow since the alleged violations are all based on Respondent's convictions. Nevertheless, Respondent is currently incarcerated and will be for some time to come. He does not pose a threat to the public. Respondent has newly retained counsel who believes that the pending charges can be resolved through settlement if given additional time to confer with Respondent. This justifies a continuance until the next Board meeting but no longer.

IT IS THEREFORE ORDERED that Respondent's Motion to Continue Hearing is hereby GRANTED. The hearing shall be set for the Board's next Board meeting. Respondent should not be granted any further continuances.

Dated this 6th day of January, 2012.



Margaret LaMarche
Administrative Law Judge
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[FOR THE IOWA BOARD OF CHIROPRACTIC]

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